

## **REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

The claims are amended to address the issues raised in section 2 on page 2 of the Official Action. Withdrawal of the rejections under 35 U.S.C. § 112 is therefore respectfully requested.

As a preface to discussing the prior art rejections, the following general overview is provided of features and operational characteristics associated with a fuel cell according to at least one embodiment described and illustrated in the present application. As illustrated in Figs. 15 to 26, a used fuel storing tank 40 and a fuel storing tank 10 are configured to always be out of direct contact with each other. As discussed in lines 1-3 of page 83 and as illustrated in Figs. 15 and 16, a used fuel occlusion body 41 is disposed inside the used fuel storing tank 40 in contact with a lower part of a feed 40a. Used fuel can therefore be totally occluded into the used fuel occlusion body 41. As illustrated in Fig. 25, a cover 42 is openable so that the used fuel occlusion body 41 can be taken in and out from the used fuel storing tank 40. As discussed in lines 6-7 on page 108 and as illustrated in Fig. 27, the used fuel occlusion body 41 has a fin shape.

Turning now to the prior art rejections, independent Claims 145, 151, 157 and 165 are each rejected as being unpatentable over the disclosures in U.S. Application Publication No. 2004/0072049, hereinafter Becerra, U.S. Patent No. 6,506,513, hereinafter Yonetsu, and U.S. Patent No. 5,364,711, hereinafter Yamada.

Claims 145, 151, 157 and 165, as amended, each recite a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel

electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, the used fuel storing tank and the liquid fuel storing tank configured to always be out of direct contact with each other.

Becerra discloses a fuel container in which a flexible bladder for a liquid fuel and a flexible bladder for effluent are included in a container as illustrated in Fig. 13. The two bladders are adjacent and configured to be in direct contact with each other at least part of the time, so that when used fuel (effluent) recovered from the fuel cell enters into the effluent bladder, the bladder for liquid fuel is warmed by the hot effluent. Thus, even assuming for the sake of discussion that Becerra's bladders otherwise correspond to a used fuel storing tank and a liquid fuel storing tank, it is quite clear that they are not configured to always be out of direct contact with each other as now recited in Claims 145, 151, 157 and 165.

Moreover, neither Yamada nor Yonetsu cure this deficiency in Becerra. Specifically, in the Fig. 23 embodiment of Yamada relied upon in the Official Action, fuel in a fuel cartridge is supplied to a fuel cell and used fuel is introduced into a water-storing space by controlled capillary force. However, the fuel storing space 40 and the water-storing space 41 are in contact with each other. Additionally, Yonetsu does not disclose a used fuel storing tank at all.

In light of the foregoing, it is quite clear that independent Claims 145, 151, 157 and 165, as presently amended, are allowable over the disclosures in Becerra,

Yonetsu and Yamada. Withdrawal of the rejections of those claims is respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 13, 2011

By: /Peter T. deVore/  
Peter T. deVore  
Registration No. 60361

**Customer No. 21839**  
703 836 6620